

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT WENTWORTH,

Plaintiff,

v.

ORDER

COLUMBIA COUNTY, ROGER BRANDNER,  
MICHAEL HAVERLEY, MARK SMIT,  
JORDAN HAUTER, DAVID CLARK, and  
CORY MILLER,

19-cv-514-jdp

Defendants.

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On May 14, 2020, I granted a motion to compel filed by defendant Michael Haverley, and I ordered pro se plaintiff Robert Wentworth to provide complete responses to Haverley's discovery requests. Dkt. 33. I also stated that I was inclined to grant Haverley's request under Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure for reasonable costs and attorney fees incurred in filing the motion to compel, in light of Wentworth's failure to present any legitimate objection (or any response at all) to Haverley's motion. I gave Wentworth the opportunity to object to Haverley's request for fees.

Haverley has now filed an itemized statement of costs and fees, dkt. 31-6, and Wentworth has not filed any objection or other response. After reviewing the itemized statement and explanation from counsel, I find that Haverley's request for \$241.50 in fees and costs is reasonable and an appropriate sanction for Wentworth's failure to respond to Haverley's discovery requests. Accordingly, I am granting Haverley's request for fees and costs.

Also outstanding in this case is the motion for a protective order filed by all defendants regarding depositions. Dkt. 34. The motion is nearly identical to the motion for a protective order filed by defendants in several related cases, including another case in which Wentworth

is a plaintiff. (The related cases are: 18-cv-368-jdp; 18-cv-582-jdp; 19-cv-515-jdp; 19-cv-516-jdp; 19-cv-517-jdp; and 19-cv-518-jdp.) For the reasons explained in detail in those cases, I will grant the motion for a protective order in part and deny it in part. I will not preclude defendants from conducting in-person depositions, if all parties feel comfortable doing so. But I will not require in-person depositions unless the parties make a good-faith effort to conduct remote depositions using Zoom or similar technology, and they are unable to do so successfully. If the parties are unable to conduct remote depositions, the parties should contact the court for assistance.

#### ORDER

IT IS ORDERED that:

1. Defendant Michael Haverley's motion for fees and costs, Dkt. 36, is GRANTED. Plaintiff Robert Wentworth may have until June 29, 2020 to pay Haverley \$241.50 to compensate Haverley for the fees and costs incurred in filing his motion to compel.
2. Defendants' motion for a protective order, Dkt. 34, is GRANTED IN PART and DENIED IN PART. The parties must conduct depositions remotely unless all of the parties involved agree to in-person depositions.

Entered May 29, 2020.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge